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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF	)	NO. CR-05-149-FVS
AMERICA	)	
	)	
Plaintiff,	)	DECLARATION OF CARL J.
	)	ORES KOVICH
v.	)	
	)	
SCOTT J. WALLS,	)	
	)	
Defendant.	)	

I am the attorney representing Scott Walls in this matter.

In July, 2005, by agreement, Mr. Walls was charged in a Bill of Information with conspiracy to commit copyright infringement, in violation of Title 18, United States Code, Sections 371 and 2319(a), and Title 17, United States Code, Section 506(a)(1). The

1 Information was filed in United States District Court,  
2 Western District of North Carolina, Charlotte Division,  
3 under Docket No. 3:05cr289-Mu.

4 Again, by agreement, the case was transferred  
5 pursuant to Federal Criminal Procedure Rule 20 to the  
6 Eastern District of Washington. The case was  
7 transferred in anticipation of arriving at a Plea  
8 Agreement following transfer and the entry of a plea in  
9 the Eastern District of Washington.  
10

11 I have been in contact with Mr. Eric Klumb and Mr.  
12 Corbin Weiss with the Computer Crimes Division of the  
13 Department of Justice in Washington, D.C. We are  
14 attempting to complete the negotiations on the Plea  
15 Agreement. However, there are two areas of concern  
16 that need to be refined and resolved. This case  
17 involves complex analysis of the amount of the  
18 foreseeable loss due to the conspiracy. On Tuesday,  
19 October 18, 2005, I spoke to Mr. Klumb concerning the  
20 Justice Department's calculation of loss. Mr. Klumb  
21 has agreed to Federal Express to me discovery related  
22 to that calculation as well as documents related to the  
23  
24  
25  
26

1 upload and download of information found on Mr. Walls'  
2 computer during the Government's search in April, 2004.

3 The second issue involves the determination of  
4 substantial assistance. Mr. Walls has always been very  
5 cooperative with the Government and has been willing to  
6 enter a guilty plea to an appropriate charge. However,  
7 before we can enter a plea, we must finalize these two  
8 issues for the Plea Agreement.  
9

10  
11 I have also discussed this Motion with Mr. Russell  
12 Smoot, the AUSA who is handling this case in the  
13 Eastern District of Washington. Mr. Smoot has  
14 authorized me to represent that he has no objection to  
15 this motion.  
16

17 When my office previously talked with Court staff,  
18 November 15, 2005 was an available date for hearing. I  
19 would like to advise the Court that I have two criminal  
20 trials set for November 14, 2005, one in Whitman County  
21 and one in Spokane County. I expect to be in trial in  
22 one of those jurisdictions the week of November 14.  
23

24 I am not filing this motion to delay the entry of  
25 the plea. I believe that a Plea Agreement will be  
26 negotiated. However, I need the Government's discovery

1 on loss computation to be able to finalize  
2 negotiations.

3 Filed contemporaneously with the Defendant's motion  
4 to continue the plea hearing is a Waiver of Speedy  
5 Trial. I have advised Mr. Walls of his speedy trial  
6 rights and believe that the waiver is done knowingly  
7 and voluntarily.  
8  
9

10  
11 /s/Carl J. Oreskovich  
12 CARL J. ORESKOVICH, WSBA 12779  
13 Attorney for Defendant Walls  
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**CERTIFICATE OF SERVICE**

THE UNDERSIGNED hereby certifies that on the 20<sup>th</sup> day of October, 2005, I electronically filed the following pleading:

**Declaration of Carl J. Oreskovich**

and caused it to be electronically mailed to the following counsel:

**Russell Smoot**  
**usa-wae-rsmoot@usdoj.gov**

/s/Carl J. Oreskovich  
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